

1:17cv1235, American Type Culture Collection V. Armanino, Llp

US District Court Docket

US District Court for the Eastern District of Virginia -

(Alexandria)

This case was retrieved on 12/31/2019

Header

Case Number: 1:17cv1235

Date Filed: 10/30/2017

Assigned To: District Judge T. S. Ellis, III

Referred To: Magistrate Judge Ivan D. Davis

Nature of Suit: Other Contract (190)

Cause: Diversity-Other Contract

Lead Docket: None

Other Docket: None

Jurisdiction: Diversity

Class Code: Closed

Closed: 07/12/2018

Statute: [28:1332](#)

Jury Demand: Plaintiff

Demand Amount: \$0

NOS Description: Other Contract

Litigants

American Type Culture Collection

"ATCC" |

Plaintiff

Armanino, LLP

Defendant

Attorneys

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[Terminated: 05/02/2018]

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Proceedings

#	Date	Proceeding Text	Source
1	10/30/2017	COMPLAINT against Armanino, LLP (Filing fee \$ 400, receipt number 0422-5785303.), filed by American Type Culture Collection. (Attachments: # 1 Civil Cover Sheet)(acha,) (Entered: 10/31/2017)	
2	10/30/2017	Financial Interest Disclosure Statement (Local Rule 7.1) by American Type Culture Collection. (acha,) (Entered: 10/31/2017)	
3	10/31/2017	Summons Issued as to Armanino, LLP. NOTICE TO ATTORNEY: Print out two electronically issued summons and one copy of the attachments for each defendant to be served with the complaint. (acha,) (Entered: 10/31/2017)	
4	10/31/2017	Motion to appear Pro Hac Vice by Robert Joseph Kaler and Certification of Local Counsel Brandon H. Elledge Filing fee \$ 75, receipt number 0422-5786856. by American Type Culture Collection. (Elledge, Brandon) (Entered: 10/31/2017)	
5	11/02/2017	NOTICE by American Type Culture Collection re 1 Complaint Acceptance of Service by Defendant (Elledge, Brandon) (Entered: 11/02/2017)	
	11/02/2017	Notice of Correction re 5 NOTICE. The filer has been notified to submit either a waiver of service or summons issued in paper form. (acha,) (Entered: 11/02/2017)	
6	11/02/2017	ORDER granting 4 Motion for Pro hac vice by Robert Joseph Kaler. Signed by District Judge T. S. Ellis, III on 11/2/2017. (acha,) (Entered: 11/02/2017)	
7	11/03/2017	SUMMONS Returned Executed by American Type Culture Collection: as to Armanino, LLP served on 10/31/2017, answer due 11/21/2017. (acha,) (Entered: 11/03/2017)	
8	11/15/2017	NOTICE of Appearance by Matthew William Lee on behalf of Armanino, LLP (Lee, Matthew) (Entered: 11/15/2017)	
9	11/15/2017	NOTICE of Appearance by Eric Patrick Burns on behalf of Armanino, LLP (Burns, Eric) (Entered: 11/15/2017)	
10	11/15/2017	Motion to appear Pro Hac Vice by Patricia Lee Bonheyo and Certification of Local Counsel Matthew W. Lee Filing fee \$ 75, receipt	

1:17cv1235, American Type Culture Collection V. Armanino, Llp

#	Date	Proceeding Text	Source
		number 0422-5812007. by Armanino, LLP. (Lee, Matthew) (Entered: 11/15/2017)	
11	11/16/2017	Motion to appear Pro Hac Vice by Farley Jay Neuman and Certification of Local Counsel Matthew W. Lee Filing fee \$ 75, receipt number 0422-5814092. by Armanino, LLP. (Lee, Matthew) (Entered: 11/16/2017)	
12	11/16/2017	Consent MOTION for Extension of Time to File Responsive Pleading by Armanino, LLP. (Attachments: # 1 Proposed Order)(Lee, Matthew) (Entered: 11/16/2017)	
13	11/16/2017	ORDER granting 12 Motion for Extension of Time to File. ORDERED that Defendant Armanino, LLP's deadline to file responsive pleadings and/or motions to the complaint, be and is hereby extended up to and including 12/5/2017. Signed by Magistrate Judge Ivan D. Davis on 11/16/2017. (rban,) (Entered: 11/16/2017)	
14	11/17/2017	ORDER granting 10 Motion for Pro hac vice for Patricia Lee Bonheyo. Signed by District Judge T. S. Ellis, III on 11/17/2017. (acha,) (Entered: 11/20/2017)	
15	11/20/2017	ORDER granting 11 Motion for Pro hac vice for Farley Jay Neuman. Signed by District Judge T. S. Ellis, III on 11/20/2017. (acha,) (Entered: 11/21/2017)	
16	12/05/2017	ANSWER to 1 Complaint and Demand for Jury Trial by Armanino, LLP.(Lee, Matthew) (Entered: 12/05/2017)	
17	12/05/2017	Financial Interest Disclosure Statement (Local Rule 7.1) by Armanino, LLP. (Attachments: # 1 Exhibit A)(Lee, Matthew) (Entered: 12/05/2017)	
18	12/05/2017	MOTION to Strike 1 Complaint by Armanino, LLP. (Attachments: # 1 Proposed Order)(Lee, Matthew) (Entered: 12/05/2017)	
19	12/05/2017	Memorandum in Support re 18 MOTION to Strike 1 Complaint filed by Armanino, LLP. (Attachments: # 1 Exhibit A - MSA)(Lee, Matthew) (Entered: 12/05/2017)	
20	12/05/2017	Notice of Hearing Date set for 1/19/2018 re 19 Memorandum in Support, 18 MOTION to Strike 1 Complaint (Lee, Matthew) (Entered: 12/05/2017)	
21	12/05/2017	MOTION to Dismiss for Failure to State a Claim by Armanino, LLP. (Attachments: # 1 Proposed Order)(Lee, Matthew) (Entered: 12/05/2017)	
22	12/05/2017	Memorandum in Support re 21 MOTION to Dismiss for Failure to State a Claim filed by Armanino, LLP. (Attachments: # 1 Exhibit A - MSA)(Lee, Matthew) (Entered: 12/05/2017)	
23	12/05/2017	Notice of Hearing Date set for 1/19/2018 re 22 Memorandum in Support, 21 MOTION to Dismiss for Failure to State a Claim (Lee, Matthew) (Entered: 12/05/2017)	
24	12/05/2017	Consent MOTION for Extension of Briefing Schedule on Defendant's Motions in Response to Complaint by American Type Culture Collection. (Attachments: # 1 Exhibit Proposed Consent Order)(Elledge, Brandon) (Entered: 12/05/2017)	
	12/06/2017	Set Deadlines as to 18 MOTION to Strike 1 Complaint , 21 MOTION to Dismiss for Failure to State a Claim . Motion Hearing set for 1/19/2018 at 10:00 AM in Alexandria Courtroom 900 before District Judge T. S. Ellis III. (clar,) (Entered: 12/06/2017)	
25	12/08/2017	ORDER granting 24 Motion for Extension of Time to File. Signed by Magistrate Judge Ivan D. Davis on 12/8/2017. (rban,) (Entered: 12/08/2017)	
26	12/19/2017	SCHEDULING ORDER:Initial Pretrial Conference set for 1/10/2018 at 11:00 AM in Alexandria Courtroom 301 before Magistrate Judge Ivan D. Davis. Final Pretrial Conference (if no pretrial motions filed) set for 4/19/2018 at 04:00 PM in Alexandria Courtroom 900 before District Judge T. S. Ellis III. Final Pretrial Conference (if pretrial motions filed) set for 5/31/2018 at 04:00 PM in Alexandria Courtroom 900 before District Judge T. S. Ellis III.Discovery due by 3/23/2018.Signed by District Judge T. S. Ellis, III on 12/19/2017. (Attachments: # 1	

1:17cv1235, American Type Culture Collection V. Armanino, Llp

#	Date	Proceeding Text	Source
		Magistrate Consent Form, # 2 Pretrial Notice)(mph) (Entered: 12/20/2017)	
	12/27/2017	Reset Deadlines as to 18 MOTION to Strike 1 Complaint , 21 MOTION to Dismiss for Failure to State a Claim . Motion Hearing reset for 1/26/2018 at 11:00 AM in Alexandria Courtroom 900 before District Judge T. S. Ellis III. (rban,) (Entered: 12/27/2017)	
27	01/03/2018	Discovery Plan by American Type Culture Collection.(Elledge, Brandon) (Entered: 01/03/2018)	
28	01/05/2018	Memorandum in Opposition re 18 MOTION to Strike 1 Complaint filed by American Type Culture Collection. (Elledge, Brandon) (Entered: 01/05/2018)	
29	01/05/2018	Memorandum in Opposition re 21 MOTION to Dismiss for Failure to State a Claim filed by American Type Culture Collection. (Elledge, Brandon) (Entered: 01/05/2018)	
30	01/09/2018	Joint Amended Discovery Plan by Armanino, LLP.(Lee, Matthew) (Entered: 01/09/2018)	
31	01/09/2018	Order Rule 16(b) Scheduling Order. Because the parties' Amended Discovery Plan 30 adequately addresses the matters that would be discussed during the initial pretrial conference and counsel consent to waiving their appearances at the initial pretrial conference, the initial pretrial conference scheduled for January 10, 2018, pursuant to Rule 16(b) and this Court's December 19, 2017 Order, is cancelled. Upon consideration of the representations made by the parties in their Amended Discovery Plan, the Court makes the following rulings: The parties' Amended Discovery Plan is approved and shall control discovery to the extent of its application unless further modified by the Court(See order for further details). Signed by Magistrate Judge Ivan D. Davis on 1/9/2018. (lgue,) (Entered: 01/09/2018)	
32	01/09/2018	Consent MOTION For Briefing Schedule And Setting The Hearing On Defendants Motion To Modify Scheduling Order And For Additional Depositions by Armanino, LLP. (Attachments: # 1 Proposed Order)(Lee, Matthew) (Entered: 01/09/2018)	
33	01/10/2018	MOTION for Extension of Time to Complete Discovery by Armanino, LLP. (Attachments: # 1 Proposed Order)(Lee, Matthew) (Entered: 01/10/2018)	
34	01/10/2018	Memorandum in Support re 33 MOTION for Extension of Time to Complete Discovery filed by Armanino, LLP. (Lee, Matthew) (Entered: 01/10/2018)	
35	01/10/2018	Notice of Hearing Date for January 26, 2018 re 33 MOTION for Extension of Time to Complete Discovery (Lee, Matthew) (Entered: 01/10/2018)	
	01/11/2018	Set Deadlines as to 33 MOTION for Extension of Time to Complete Discovery . Motion Hearing set for 1/26/2018 at 10:00 AM in Alexandria Courtroom 301 before Magistrate Judge Ivan D. Davis. (clar,) (Entered: 01/11/2018)	
	01/11/2018	MOTIONS REFERRED to Magistrate Judge: Davis. 33 MOTION for Extension of Time to Complete Discovery (clar,) (Entered: 01/11/2018)	
36	01/12/2018	CONSENT ORDER- It is hereby ORDERED that the 32 Consent Motion for Briefing Schedule and Setting the Hearing on Defendant's Motion to Modify Scheduling Order and for Additional Depositions by Armanino, LLP is GRANTED; and it is further ORDERED that: the following briefing schedule is set with respect to the Motion and the hearing on the Motion is calendared for Friday, January 26, 2018. Signed by Magistrate Judge Ivan D. Davis on 1/12/2018. See Order for further details. (acha,) (Entered: 01/12/2018)	
37	01/15/2018	Reply to Motion re 21 MOTION to Dismiss for Failure to State a Claim filed by Armanino, LLP. (Lee, Matthew) (Entered: 01/15/2018)	
38	01/15/2018	Reply to Motion re 18 MOTION to Strike 1 Complaint filed by	

1:17cv1235, American Type Culture Collection V. Armanino, Llp

#	Date	Proceeding Text	Source
		Armanino, LLP. (Lee, Matthew) (Entered: 01/15/2018)	
39	01/19/2018	Memorandum in Opposition re 33 MOTION for Extension of Time to Complete Discovery filed by American Type Culture Collection. (Elledge, Brandon) (Entered: 01/19/2018)	
	01/22/2018	Per TSE chambers, Motion Hearings 18 & 21 previously set for 1/26/2018 @ 11:00AM reset for 1/25/2018 at 09:00 AM in Alexandria Courtroom 900 before District Judge T. S. Ellis III. (mpha) (Entered: 01/22/2018)	
40	01/23/2018	RESPONSE in Support re 33 MOTION for Extension of Time to Complete Discovery filed by Armanino, LLP. (Lee, Matthew) (Entered: 01/23/2018)	
41	01/23/2018	NOTICE of Appearance by Thomas Leo Appler on behalf of Armanino, LLP (Appler, Thomas) (Entered: 01/23/2018)	
42	01/23/2018	ORDER - This MATTER is before the Court on the Defendant's Motion to Modify Scheduling Order and for Additional Depositions 33 . This matter can be resolved without oral argument, as such argument would not aid the decisional process. It is hereby ORDERED that Defendant's Motion is DENIED as premature. Defendant's Motion contains conclusory statements that it will suffer hardship and undue prejudice if the Court does not grant its Motion but does not provide information about how Defendant will suffer such. Additionally, Defendant fails to provide good cause for modifying the scheduling order. Signed by Magistrate Judge Ivan D. Davis on 1/23/2018. (lgue,) (Entered: 01/23/2018)	
43	01/25/2018	Minute Entry for proceedings held before District Judge T. S. Ellis, III: Motion Hearing held on 1/25/2018 re: Defendant's Motion 18 to Strike Complaint and 21 to Dismiss for Failure to State a Claim. Brandon H. Elledge and Robert J. Kaler present on behalf of plaintiff. Thomas L. Appler and Farley J. Neuman present on behalf of defendant. Matter briefed, argued, and taken under advisement. Order to follow. (Court Reporter Tonia Harris)(mpha) (Entered: 01/25/2018)	
44	01/25/2018	ORDER This matter came before the Court on the defendant's motion to strike and motion to dismiss 18 & 21 . For the reasons stated from the Bench, and for good cause, It is hereby ORDERED that the motions are TAKEN UNDER ADVISEMENT. Signed by District Judge T. S. Ellis, III on 01/25/2018. (mpha) (Entered: 01/26/2018)	
45	01/26/2018	MOTION for Leave to File One-Page Supplemental Brief to Respond to Court's Question at January 25, 2018 Motion Hearing by American Type Culture Collection. (Elledge, Brandon) (Entered: 01/26/2018)	
46	01/29/2018	ORDER granting 45 Motion for Leave to File a one-page supplemental brief. Signed by District Judge T. S. Ellis, III on 1/29/18. (gwalk,) (Entered: 01/29/2018)	
47	01/29/2018	Plaintiff's One-Page Supplemental Brief To Respond To Court's Question At January 25, 2018 Motion Hearing re 46 Order on Motion for Leave to File, 45 MOTION for Leave to File One-Page Supplemental Brief to Respond to Court's Question at January 25, 2018 Motion Hearing by American Type Culture Collection. (Elledge, Brandon) Modified on 1/30/2018 to change from a Motion. Counsel used the incorrect filing event (gwalk,). (Entered: 01/29/2018)	
48	01/31/2018	Reply to 47 MOTION Plaintiff's One-Page Supplemental Brief To Respond To Court's Question At January 25, 2018 Motion Hearing re 46 Order on Motion for Leave to File, 45 MOTION for Leave to File One-Page Supplemental Brief to Respond to Co filed by Armanino, LLP. (Lee, Matthew) (Entered: 01/31/2018)	
49	02/02/2018	PROTECTIVE ORDER. Re handling and labeling of confidential information. See order for further details. Signed by Magistrate Judge Ivan D. Davis on 2/02/2018. (lgue,) (Entered: 02/02/2018)	
50	02/06/2018	Joint MOTION for Brief Extension of Expert Disclosures by American Type Culture Collection. (Attachments: # 1 Exhibit Exhibit A)(Elledge,	

1:17cv1235, American Type Culture Collection V. Armanino, Llp

#	Date	Proceeding Text	Source
		Brandon) (Entered: 02/06/2018)	
51	02/07/2018	ORDER- It is hereby ORDERED that the 50 Joint Motion for Brief Extension of Expert Disclosures by American Type Culture Collection is GRANTED ; and it is further ORDERED that(i) ATCC shall serve its expert disclosures under Rule 26(a)(2) by February 16, 2018; (ii) Armanino shall serve its expert disclosures under Rule 26(a)(2) by March 9, 2018; and (iii) any rebuttal expert reports shall be served ten days later. Signed by Magistrate Judge Ivan D. Davis on 02/07/2018. (acha,). (Entered: 02/07/2018)	
52	02/23/2018	MOTION to Compel Deposition of Bruce Kirschenbaum, Motion for Protective Order Regarding Deposition of Third Party Concerto, and Alternatively, Motion for Brief Extension of Discovery Period by American Type Culture Collection. (Elledge, Brandon) (Entered: 02/23/2018)	
53	02/23/2018	Notice of Hearing Date set for March 2, 2018 re 52 MOTION to Compel Deposition of Bruce Kirschenbaum, Motion for Protective Order Regarding Deposition of Third Party Concerto, and Alternatively, Motion for Brief Extension of Discovery Period (Elledge, Brandon) (Entered: 02/23/2018)	
54	02/23/2018	Memorandum in Support re 52 MOTION to Compel Deposition of Bruce Kirschenbaum, Motion for Protective Order Regarding Deposition of Third Party Concerto, and Alternatively, Motion for Brief Extension of Discovery Period filed by American Type Culture Collection. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit H)(Elledge, Brandon) (Entered: 02/23/2018)	
	02/26/2018	Set Deadlines as to 52 MOTION to Compel Deposition of Bruce Kirschenbaum, Motion for Protective Order Regarding Deposition of Third Party Concerto, and Alternatively, Motion for Brief Extension of Discovery Period. Motion Hearing set for 3/2/2018 at 10:00 AM in Alexandria Courtroom 301 before Magistrate Judge Ivan D. Davis. (clar,) (Entered: 02/26/2018)	
	02/26/2018	MOTIONS REFERRED to Magistrate Judge: Davis. 52 MOTION to Compel Deposition of Bruce Kirschenbaum, Motion for Protective Order Regarding Deposition of Third Party Concerto, and Alternatively, Motion for Brief Extension of Discovery Period (clar,) (Entered: 02/26/2018)	
	02/26/2018	Notice of Correction re 52 MOTION to Compel Deposition of Bruce Kirschenbaum, Motion for Protective Order Regarding Deposition of Third Party Concerto, and Alternatively, Motion for Brief Extension of Discovery Period The filing user has been notified to file the document separately for each motion relief in the future. (clar,) (Entered: 02/26/2018)	
55	02/27/2018	NOTICE of Appearance by Timothy James Taylor on behalf of American Type Culture Collection (Taylor, Timothy) (Entered: 02/27/2018)	
56	02/28/2018	Consent MOTION for Extension Brief Extension of Discovery Period to April 13, 2018 by American Type Culture Collection. (Attachments: # 1 Exhibit A)(Elledge, Brandon) (Entered: 02/28/2018)	
57	02/28/2018	Opposition to 52 MOTION to Compel Deposition of Bruce Kirschenbaum, Motion for Protective Order Regarding Deposition of Third Party Concerto, and Alternatively, Motion for Brief Extension of Discovery Period filed by Armanino, LLP. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit H, # 9 Exhibit I, # 10 Exhibit J, # 11 Exhibit K, # 12 Exhibit L)(Lee, Matthew) (Entered: 02/28/2018)	
58	02/28/2018	ORDER - This matter, having come before the Court on the parties' Consent Motion for a Brief Extension of Discovery Period to April 13, 2018, and the parties having agreed to the relief requested therein, it is	

1:17cv1235, American Type Culture Collection V. Armanino, Llp

#	Date	Proceeding Text	Source
		hereby ORDERED that the parties' Consent Motion is GRANTED; and it is further ORDERED that the discovery period shall be extended to April 13, 2018, so that the parties can take the depositions of third party Concerto Cloud Services, LLC, Bruce Kirschenbaum, and other remaining fact witnesses and experts; and it is further ORDERED that this discovery extension does not change the April 19, 2018 or May 31, 2018 pre-trial conferences as set by the Court's prior Order 26 ; and it is further ORDERED that this Order moots the Plaintiff's previously filed Motion to Compel Deposition of Bruce Kirschenbaum and Motion for Protective Order regarding Deposition of third party, Concerto. 52 , 54 . Signed by Magistrate Judge Ivan D. Davis on 02/28/2018. (lgue,) (Entered: 02/28/2018)	
59	03/23/2018	MOTION To Substitute Expert Who Has Become Medically Incapable of Further Service by American Type Culture Collection. (Elledge, Brandon) (Entered: 03/23/2018)	
60	03/23/2018	Memorandum in Support re 59 MOTION To Substitute Expert Who Has Become Medically Incapable of Further Service filed by American Type Culture Collection. (Elledge, Brandon) (Entered: 03/23/2018)	
61	03/23/2018	Notice of Hearing Date set for March 30, 2018 re 59 MOTION To Substitute Expert Who Has Become Medically Incapable of Further Service , 60 Memorandum in Support (Elledge, Brandon) (Entered: 03/23/2018)	
	03/26/2018	Set Deadlines as to 59 MOTION To Substitute Expert Who Has Become Medically Incapable of Further Service . Motion Hearing set for 3/30/2018 at 10:00 AM in Alexandria Courtroom 900 before District Judge T. S. Ellis III. (clar,) (Entered: 03/26/2018)	
	03/27/2018	Reset Deadlines as to 59 MOTION To Substitute Expert Who Has Become Medically Incapable of Further Service . Motion Hearing set for 3/30/2018 at 10:00 AM in Alexandria Courtroom 301 before Magistrate Judge Ivan D. Davis. (Per TSE chambers) (clar,) (Entered: 03/27/2018)	
62	03/28/2018	Opposition to 59 MOTION To Substitute Expert Who Has Become Medically Incapable of Further Service filed by Armanino, LLP. (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Lee, Matthew) (Entered: 03/28/2018)	
63	03/29/2018	REPLY to Response to Motion re 59 MOTION To Substitute Expert Who Has Become Medically Incapable of Further Service filed by American Type Culture Collection. (Attachments: # 1 Exhibit 1)(Taylor, Timothy) (Entered: 03/29/2018)	
64	03/30/2018	Minute Entry for proceedings held before Magistrate Judge Ivan D. Davis:Motion Hearing held on 3/30/2018 re 59 MOTION To Substitute Expert Who Has Become Medically Incapable of Further Service filed by American Type Culture Collection. Appearance of Counsel for Plaintiff and Defendant. Motion argued and 59 MOTION To Substitute Expert-GRANTED. Order to follow. (Tape #FTR.)(lgue,) (Entered: 03/30/2018)	
65	03/30/2018	ORDER - FOR REASONS stated from the bench and in accord with specific rulings and instructions thereto, it is hereby ORDERED that Plaintiff's Motion to Substitute Expert Who Has Become Medically Incapable of Further Service 59 is GRANTED. Signed by Magistrate Judge Ivan D. Davis on 03/30/2018. (lgue,) (Entered: 03/30/2018)	
66	04/09/2018	ORDER- It is hereby ORDERED that defendant's 21 motion to dismiss is GRANTED IN PART and DENIED IN PART. It is GRANTED with respect to counts IV and V. It is DENIED in all other respects and the case shall proceed on Counts I-III and VI-IX. It is further ORDERED that defendant's motion to strike is GRANTED IN PART and DENIED IN PART. It is GRANTED with respect to ATCC's claim for attorneys' fees. It is DENIED in all other respects. Signed by District Judge T. S. Ellis, III on 04/09/2018. (acha,) (Entered: 04/10/2018)	
67	04/10/2018	MOTION for Partial Summary Judgment by Armanino, LLP. (Lee,	

1:17cv1235, American Type Culture Collection V. Armanino, Llp

#	Date	Proceeding Text	Source
		Matthew) (Entered: 04/10/2018)	
68	04/10/2018	Memorandum in Support re 67 MOTION for Partial Summary Judgment filed by Armanino, LLP. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E)(Lee, Matthew) (Entered: 04/10/2018)	
69	04/10/2018	Notice of Hearing Date set for 05/04/18 re 67 MOTION for Partial Summary Judgment (Lee, Matthew) (Entered: 04/10/2018)	
70	04/10/2018	MOTION in Limine to Exclude Certain Evidence by Armanino, LLP. (Lee, Matthew) (Entered: 04/10/2018)	
71	04/10/2018	Memorandum in Support re 70 MOTION in Limine to Exclude Certain Evidence filed by Armanino, LLP. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C)(Lee, Matthew) (Entered: 04/10/2018)	
72	04/10/2018	Notice of Hearing Date set for 05/04/18 re 70 MOTION in Limine to Exclude Certain Evidence (Lee, Matthew) (Entered: 04/10/2018)	
73	04/10/2018	MOTION to Compel and for Further Production by Armanino, LLP. (Lee, Matthew) (Entered: 04/10/2018)	
74	04/10/2018	Memorandum in Support re 73 MOTION to Compel and for Further Production filed by Armanino, LLP. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E)(Lee, Matthew) (Entered: 04/10/2018)	
75	04/10/2018	Notice of Hearing Date set for 05/04/18 re 73 MOTION to Compel and for Further Production (Lee, Matthew) (Entered: 04/10/2018)	
	04/11/2018	Set Deadlines as to 70 MOTION in Limine to Exclude Certain Evidence, 67 MOTION for Partial Summary Judgment . Motion Hearing set for 5/4/2018 at 10:00 AM in Alexandria Courtroom 900 before District Judge T. S. Ellis III. (clar,) (Entered: 04/11/2018)	
	04/11/2018	Set Deadlines as to 73 MOTION to Compel and for Further Production. Motion Hearing set for 5/4/2018 at 10:00 AM in Alexandria Courtroom 301 before Magistrate Judge Ivan D. Davis. (clar,) (Entered: 04/11/2018)	
	04/11/2018	MOTIONS REFERRED to Magistrate Judge: Davis. 73 MOTION to Compel and for Further Production (clar,) (Entered: 04/11/2018)	
76	04/12/2018	Consent MOTION to Seal by American Type Culture Collection. (Attachments: # 1 Proposed Order (temporary), # 2 Proposed Order (merits))(Taylor, Timothy) (Entered: 04/12/2018)	
77	04/12/2018	Notice of Filing Sealing Motion LCvR5(C) by American Type Culture Collection re 76 Consent MOTION to Seal (Taylor, Timothy) (Entered: 04/12/2018)	
78	04/12/2018	Sealed Document. (Taylor, Timothy) (Entered: 04/12/2018)	
79	04/12/2018	Sealed Document. (Taylor, Timothy) (Entered: 04/12/2018)	
80	04/12/2018	Memorandum in Support re 76 Consent MOTION to Seal filed by American Type Culture Collection. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3)(Taylor, Timothy) (Entered: 04/12/2018)	
	04/17/2018	***Deadlines terminated: FPTC previously set for 4/19/2018 @ 4:00PM removed from docket - FPTC on 5/31/2018 @ 4:00PM remains. (mph) (Entered: 04/17/2018)	
81	04/24/2018	ORDER- It is hereby ORDERED that Plaintiff's 76 Consent Motion to File Documents Under Seal is GRANTED. Plaintiff is directed to file publicly the excluded pages of Exhibit B [Dkt. No. 62-2], which are identical to Exhibit [Dkt. No. 68-4]. Signed by Magistrate Judge Ivan D. Davis on 04/24/2018. (See order for further details). (acha,) (Entered: 04/24/2018)	
82	04/24/2018	Memorandum in Opposition re 73 MOTION to Compel and for Further Production filed by American Type Culture Collection. (Attachments: # 1 Exhibit Exhibit A, # 2 Exhibit Exhibit B, # 3 Exhibit Exhibit C)(Elledge, Brandon) (Entered: 04/24/2018)	
83	04/24/2018	Memorandum in Opposition re 70 MOTION in Limine to Exclude	

1:17cv1235, American Type Culture Collection V. Armanino, Llp

#	Date	Proceeding Text	Source
		Certain Evidence filed by American Type Culture Collection. (Attachments: # 1 Depo. Ex. 76, # 2 Depo. Ex. 114, # 3 Depo. Ex. 123, # 4 Depo. Ex. 131, # 5 Depo. Ex. 161, # 6 Depo. Ex. 164, # 7 Depo. Ex. 167, # 8 Depo. Ex. 198, # 9 Depo. Ex. 203, # 10 Depo. Ex. 204, # 11 Depo. Ex. 208, # 12 Depo. Ex. 212)(Elledge, Brandon) (Entered: 04/24/2018)	
84	04/24/2018	Memorandum in Opposition re 67 MOTION for Partial Summary Judgment filed by American Type Culture Collection. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C)(Elledge, Brandon) (Entered: 04/24/2018)	
85	04/25/2018	NOTICE by American Type Culture Collection re 81 Order on Motion to Seal, (Attachments: # 1 Exhibit 1)(Elledge, Brandon) (Entered: 04/25/2018)	
	05/01/2018	Reset Deadlines as to 73 MOTION to Compel and for Further Production. Motion Hearing set for 5/4/2018 at 09:30 AM in Alexandria Courtroom 301 before Magistrate Judge Ivan D. Davis. (Per IDD chambers) (clar,) (Entered: 05/01/2018)	
86	05/01/2018	RESPONSE in Support re 67 MOTION for Partial Summary Judgment filed by Armanino, LLP. (Lee, Matthew) (Entered: 05/01/2018)	
87	05/01/2018	RESPONSE in Support re 70 MOTION in Limine to Exclude Certain Evidence filed by Armanino, LLP. (Lee, Matthew) (Entered: 05/01/2018)	
88	05/01/2018	RESPONSE in Support re 73 MOTION to Compel and for Further Production filed by Armanino, LLP. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D)(Lee, Matthew) (Entered: 05/01/2018)	
89	05/02/2018	First MOTION to Withdraw as Attorney by American Type Culture Collection. (Attachments: # 1 Proposed Order Proposed Order Granting Motion to Withdraw)(Taylor, Timothy) (Entered: 05/02/2018)	
91	05/02/2018	ORDER - It is hereby ORDERED that the 89 Motion to Withdraw Timothy Taylor as Counsel is GRANTED. Signed by Magistrate Judge Ivan D. Davis on 05/02/2018. (acha,) (Entered: 05/04/2018)	
90	05/04/2018	ORDER - This matter, having come before the Court on Defendant's Motion to Compel and for Further Production, 73 , Plaintiff's Opposition thereto, 82 , and Defendant's Reply, 88 , which indicates that its first request for production of documents remains at issue in this motion, and Plaintiff having, indicated that it is producing certain additional and a supplemental response, and the parties having agreed to the continuance of this motion pending such supplemental production, it is hereby ORDERED that the hearing on the remaining part of Defendant's Motion to Compel and for Further Production is continued until Friday, May 18, 2018 at 10:00 am in the event a bearing is necessary at that time following ATCC's supplemental production. Signed by Magistrate Judge Ivan D. Davis on 05/04/2018. (lgue,) (Entered: 05/04/2018)	
	05/04/2018	Reset Deadlines as to 73 MOTION to Compel and for Further Production. Motion Hearing set for 5/18/2018 at 10:00 AM in Alexandria Courtroom 301 before Magistrate Judge Ivan D. Davis. (lgue,) (Entered: 05/04/2018)	
92	05/04/2018	Minute Entry for proceedings held before District Judge T. S. Ellis, III: Motion Hearing held on 5/4/2018 re: Defendant's Motion 67 for Partial Summary Judgment and 70 in Limine to Exclude Certain Evidence. Brandon H. Elledge and Robert J. Kaler present on behalf of plaintiff. Eric P. Burns and Patricia L. Bonheyo present on behalf of defendant. Matter briefed, argued, and taken under advisement. Order to follow. (Court Reporter Rhonda Montgomery)(mph) (Entered: 05/07/2018)	
93	05/04/2018	ORDER- It is hereby ORDERED that the motion defendant's 67 Partial MOTION for Summary Judgment is TAKEN UNDER ADVISEMENT. Signed by District Judge T. S. Ellis, III on 05/04/2018. (acha,) (Entered: 05/04/2018)	

1:17cv1235, American Type Culture Collection V. Armanino, Llp

#	Date	Proceeding Text	Source
		05/07/2018)	
94	05/11/2018	Consent MOTION Withdraw Defendant's Motion to Compel (Dkt. No. 73) as resolved and remove matter from the Court's May 18, 2018 docket re 73 MOTION to Compel and for Further Production by Armanino, LLP. (Lee, Matthew) (Entered: 05/11/2018)	
95	05/11/2018	CONSENT ORDER - This matter, having come before the Court on Defendant's Motion to Compel and for Further Production 73 , Plaintiff's Opposition to same 82 , Defendant's Reply 88 , and the Consent Order continuing the hearing on the remaining part of Defendant's Motion to Compel and for Further Production until Friday, May 18, 2018 90 , and in consideration of the fact that the relief herein provided is consented to by the parties as indicated by the below endorsements, it is hereby ORDERED that Defendant's Motion to Compel and for Further Production 73 , is withdrawn as resolved and the matter is removed from the Court's May 18, 2018 docket. Signed by Magistrate Judge Ivan D. Davis on 5/11/2018. (lgue,) (Entered: 05/11/2018)	
96	05/11/2018	MOTION for Discovery to be Reopened, to allow Armanino to take additional depositions and to continue the Final Pretrial Conference by Armanino, LLP. (Lee, Matthew) (Entered: 05/11/2018)	
97	05/11/2018	Memorandum in Support re 96 MOTION for Discovery to be Reopened, to allow Armanino to take additional depositions and to continue the Final Pretrial Conference filed by Armanino, LLP. (Lee, Matthew) (Entered: 05/11/2018)	
98	05/11/2018	Notice of Hearing Date set for 05/18/2018 re 96 MOTION for Discovery to be Reopened, to allow Armanino to take additional depositions and to continue the Final Pretrial Conference, 97 Memorandum in Support (Lee, Matthew) (Entered: 05/11/2018)	
	05/14/2018	Set Deadlines as to 96 MOTION for Discovery to be Reopened, to allow Armanino to take additional depositions and to continue the Final Pretrial Conference. Motion Hearing set for 5/18/2018 at 10:00 AM in Alexandria Courtroom 301 before Magistrate Judge Ivan D. Davis. (clar,) (Entered: 05/14/2018)	
	05/14/2018	MOTIONS REFERRED to Magistrate Judge: Davis. 96 MOTION for Discovery to be Reopened, to allow Armanino to take additional depositions and to continue the Final Pretrial Conference (clar,) (Entered: 05/14/2018)	
99	05/15/2018	ORDER- It is hereby ORDERED that defendant's 67 motion for partial summary judgment is GRANTED. Signed by District Judge T. S. Ellis, III on 5/15/2018. (See order for further details). (acha,) (Entered: 05/15/2018)	
100	05/15/2018	ORDER - This MATTER is before the Court on Defendant's Motion to Modify the Scheduling Order to Reopen Discovery, Allow Armanino to Take Additional Depositions, and Continue the Final Pretrial Conference 96 , This matter can be resolved without oral argument, as such argument would not aid the decisional process. It is hereby ORDERED that Defendant's Motion 96 is GRANTED in part and DENIED in part. The Motion is granted as to extending discovery. All discovery in this matter must be completed by no later than Monday, June 18, 2018. The Motion is denied as to continuing the final pretrial conference, which remains scheduled for May 31, 2018, as set forth in this Court's December 19, 2017 Order 26 . Signed by Magistrate Judge Ivan D. Davis on 05/15/2018. (lgue,) (Entered: 05/15/2018)	
	05/29/2018	Set/Reset Hearings: Per TSE chambers, Final Pretrial Conference reset for 6/28/2018 at 04:00 PM in Alexandria Courtroom 900 before District Judge T. S. Ellis III. (mpha) (Entered: 05/29/2018)	
	05/31/2018	Set Hearings: Settlement Conference set for 7/17/2018 at 01:30 PM before Magistrate Judge Michael S. Nachmanoff. (cmar,) (Entered: 05/31/2018)	
101	06/20/2018	MOTION Joint Notice of Settlement and Consent Motion to Postpone	

1:17cv1235, American Type Culture Collection V. Armanino, Llp

#	Date	Proceeding Text	Source
		Final Pre-Trial Conference by American Type Culture Collection. (Attachments: # 1 Proposed Consent Order)(Elledge, Brandon) (Entered: 06/20/2018)	
102	06/21/2018	ORDER- It is hereby ORDERED that the Clerk of Court shall administratively close this case and place it among the inactive causes. It is further ORDERED that all pending deadlines and motions are terminated and any pending hearings are cancelled. On or before July 27, 2018, the parties shall file a joint stipulation of dismissal which dismisses all of plaintiff's claims with prejudice without further order from this Court. Signed by District Judge T. S. Ellis, III on 06/21/2018. (See order for further details). (acha,) (Entered: 06/21/2018)	
103	07/12/2018	STIPULATION of Dismissal with Prejudice by American Type Culture Collection. (Elledge, Brandon) (Entered: 07/12/2018)	
104	07/12/2018	So Ordered re 103 Stipulation of Dismissal filed by American Type Culture Collection. Signed by District Judge T. S. Ellis, III on 7/12/2018. (See order for further details). (acha,) (Entered: 07/13/2018)	

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